

## MINUTES

### **WARRICK COUNTY AREA BOARD OF ZONING APPEALS**

Regular meeting held in the Commissioners Meeting Room,  
Third Floor, Historic Courthouse,  
Boonville, Indiana  
July 25, 2016 at 6:00 P.M.

**PLEDGE OF ALLEGIANCE** A moment of silence was held followed by the Pledge of Allegiance.

**MEMBERS PRESENT:** Jeff Valiant, Chairman; Tina Baxter, Terry Dayvolt, Doris Horn, Mike Moesner, Jeff Willis and Mike Winge.

Also present were Morrie Doll, Attorney, and Sheila Lacer, Assistant Director.

**MEMBERS ABSENT:** none.

Roll call was taken and a quorum declared present.

**MINUTES:** Upon a motion made by Mike Winge and seconded by Doris Horn, the Minutes of the last regular meeting held June 27, 2016, were approved as circulated.

### **SPECIAL USE**

#### **BZA-SU-16-10 "A"**

**APPLICANT:** Custom Sign & Engineering, Inc. by Allison Elpers, VP

**OWNER:** German American Bancorp, Scott Miller, Facilities Manager.

**PREMISES AFFECTED:** Property located on the S side of Venetian Dr. approximately 0' W of the intersection formed by Epworth Rd. & Venetian Dr. Lot 1 Venetian Way Subdivision, Ohio Twp. 3933 Venetian Dr.

**NATURE OF CASE:** Applicant requests a Special Use (SU 8) from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow an Improvement Location Permit to be issued for a 6' x 13' electronic message board in a "C-4" General Commercial zoning district. This is an amendment to BZA-SU-05-15 approved 7-6-05 in order to change the size of the message board from 3' x 13' to 6' x 13'. *Advertised in the Standard July 14, 2016.*

Scott Elpers with Custom Sign and Engineering was present.

The Chairman called for a staff report.

Mrs. Lacer stated we have all of the return receipts from certified mail of notice of this meeting. She said this property is currently being used as a bank. She said the property to the north and west are "C-4" General Commercial being lots in Venetian Subdivision. She said to the East is "C-4" being St. Mary's Urgent Care facility; to the south across SR 66 is "M-1" Deaconess Gateway Hospital and to the SE is Agriculture being a lot in Jacobsville East subdivision but currently a farm. She said there is no flood plain on the property. She said the building's access is off Venetian Drive but the sign fronts on SR 66. She said this is an existing bank with an existing sign and message board that was approved July 6, 2005. She said they are requesting to increase the size of the message board from 3'x 13' to 6' x 13'. She said the sign holding the message board will stay the same. She said there is a picture of it in their packets.

She said they are going to make the hole a little bigger and make the message board bigger but it is not going to make the sign any bigger or wider.

Mr. Elpers said the reason they are doing this is because with the current sign as the technology has changed, the parts for this sign have become very limited. He said they can now do more graphics with full color.

The Chairman asked for questions from the Board and for remonstrators in the audience. Seeing none he called for a motion.

I, Mike Winge, make a motion finding of fact be made as follows from the testimony and proposed use statement:

1. The USE is deemed essential or desirable to the public convenience or welfare.
2. The USE is in harmony with the various elements or objectives of the Land Use Plan for Warrick County.
3. The USE will not be a nuisance or serious hazard to vehicles, pedestrians, or residents.
4. The USE as developed will not adversely affect the surrounding area.
5. Adequate and appropriate facilities will be provided for proper operation of the USE.
6. The specific site is appropriate for the USE.

And the Application be approved in accordance to the application and plans on file, subject to the following conditions:

1. Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.
2. Subject to all public utility easements and facilities in place.
3. Subject to an Improvement Location Permit being obtained for the new message board.
4. Subject to any required Building Permits being obtained.
5. Subject to the Special Use not being altered to become any other use nor expanded than that which was approved by the Board of Zoning Appeals.
6. Subject to no use of the words, 'stop', 'danger', 'look', or any other word which would confuse traffic.
7. Subject to no revolving beams of light or strobe lights.

The motion was seconded by Doris Horn and unanimously carried.

**ATTORNEY BUSINESS:** None

**EXECUTIVE DIRECTOR BUSINESS:** None.

Terry Dayvolt asked Attorney Doll that since the sign they just discussed was not any bigger in frame size as far as the signage itself why it was...

Attorney Doll said the square footage of the electronic face is twice as big but it stays in the same cabinet, just taller. He said the sign is not any taller or wider, there is just less metal and more electronic face. He said Sherri made a recommendation that this did not come before the Board and could be done by Hearing Officer but they did not want to do that.

Mrs. Lacer said they did not want to walk around; Boston's owner is from out of town so they did not want to walk around to get signatures. She said the sign itself does not need a Special Use, this is just for the message board and since the board doubled in size that is why they needed to amend the Special Use. She said the Special Uses are approved according to the plans on file.

Attorney Doll said the other one was smaller.

Terry Dayvolt asked if there was anything that they needed to anticipate coming up as far as the message boards go.

Mrs. Lacer said no, if they do a message board it will come here with a special use. She said this is only the second amendment that she can remember doing. She said did another amendment not long ago but that was because it was in an easement and they amended it to move the location. She said so this is the first one like this.

Tina Baxter said well this was done in 2005 and he had said that the technology was outdated and the parts were hard to find.

Attorney Doll said they could have taken the same square footage out and put the same square footage back in of the new technology and probably been okay.

Mrs. Lacer said right but they did not want to do that.

Discussion ensued about signage and the bank.

Being no other business, the meeting adjourned at 6:12 p.m.

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Jeff Valiant, Chairman

ATTEST:

The undersigned Secretary of the Warrick County Board of Zoning Appeals does hereby certify the above and foregoing is a full and complete record of the Minutes of the said Board at their monthly meeting held July 25, 2016.

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Sheila Lacer, Assistant Director